

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division

ANAS ELHADY, <i>et al.</i> ,)	
)	
Plaintiffs,)	
v.)	Civil Action No. 1:16-cv-375 (AJT/JFA)
)	
CHARLES H. KABLE, <i>et al.</i> ,)	
)	
)	
Defendants.)	
_____)	

ORDER

This matter is before the Court on Defendants’ Motion to Stay [Doc. No. 351] and Motion to Re-Certify the Court’s Disposition of Counts I and III for Interlocutory Appeal Under 28 U.S.C. § 1292(b) [Doc. No. 354] (collectively, the “Motions”). Upon consideration of the Motions, the memoranda of law in support thereof and in opposition thereto, the arguments of counsel, and for the reasons stated in open court during the February 14, 2020 hearing, it is hereby

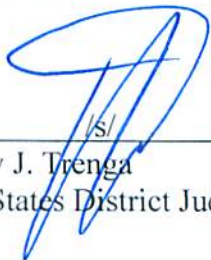
ORDERED that Defendants’ Motion to Stay [Doc. No. 351] be, and the same hereby is, DENIED for the reasons stated in open court; and it is further

ORDERED that Defendants’ Motion to Re-Certify the Court’s Disposition of Counts I and III for Interlocutory Appeal Under 28 U.S.C. § 1292(b) [Doc. No. 354] be, and the same hereby is, GRANTED; and the Court hereby certifies pursuant to 28 U.S.C. § 1292(b) that the Court’s following rulings with respect to Counts I and III involve a controlling question of law as to which there are substantial grounds for difference of opinion and therefore an immediate appeal from the Court’s Memorandum Opinion and Order dated September 4, 2019 [Doc. No. 323] may materially advance the ultimate termination of the litigation: (1) Plaintiffs, or at least

some of them, have standing to raise their constitutional challenges; (2) Plaintiffs have constitutionally protected liberty interests that are implicated by their inclusion in the TSDB; and (3) the DHS TRIP process through which Plaintiffs may challenge their inclusion in the TSDB is not constitutionally adequate to protect those liberty interests; and it is further

ORDERED that Defendants submit to the Court the information and revised procedures identified in its Order dated December 27, 2019 [Doc. No. 348] within ninety (90) days of the date of this Order, and to the extent the Defendants contend that this information and revised procedures should be placed, in whole or in part, under seal or submitted *ex parte* or *in camera*, Defendants should accompany that submission with an appropriate motion.

The Clerk is directed to forward copies of this Order to all counsel of record.



/s/
Anthony J. Trenga
United States District Judge

Alexandria, Virginia
February 14, 2020